

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JUAN MORGAN,)	
Plaintiff,)	
)	
v.)	Civ. No.: 05-989(RCL)
)	ECF
MIKE JOHANNNS,)	
Secretary, Dept. of Agriculture,)	
)	
Defendant.)	
_____)	

**DEFENDANT’S CONSENT MOTION FOR AN EXTENSION OF
THE DISCOVERY DEADLINE**

Pursuant to Fed. R. Civ. P. 6(b), Defendant Mike Johanns, Secretary, U.S. Department of Agriculture, in his official capacity, respectfully moves the Court for a 60-day extension of the discovery deadline. Fact discovery closes today September 11, 2006. Pursuant to Local Rule 7(m), the undersigned conferred with Plaintiff’s counsel (Mr. John McHugh) and counsel consented to this motion.

There is good cause to grant this Motion. On August 29, 2006, Defendant served a notice of deposition up *pro se* Plaintiff Juan Morgan for a deposition to take place in Washington, D.C., on September 11, 2006. Upon receipt of the deposition notice, Mr. Morgan himself sent e-mailed and left two voicemails for the undersigned stating that because of his health and financial situation he could not travel to Washington, D.C., for the deposition. Mr. Morgan also asked whether Defendant was amenable to taking his deposition by telephone. Mr. Morgan also asked that the undersigned call him back to discuss these issues.

The undersigned did not contact Mr. Morgan because he is currently represented by

counsel. At present, the Docket indicates that Mr. Morgan is prosecuting this case *pro se*; however, Mr. Morgan actually has an attorney advising him on this case. Specifically, Mr. John McHugh (Mr. Morgan's counsel) represented him at the administrative level and is also advising Mr. Morgan in this litigation. Mr. McHugh is not admitted in this jurisdiction and is in the process of finding an attorney for Mr. Morgan.

Because Mr. Morgan is represented by Mr. McHugh, the undersigned contacted Mr. McHugh last week to discuss Mr. Morgan's situation and the discovery issues. Mr. McHugh emphasized that Defendant may need to depose Mr. Morgan by telephonic means given Mr. Morgan's financial and health situation. Mr. McHugh also indicated that Mr. Morgan continues to search for an attorney to represent him in this litigation. The parties then discussed the possibility of resolving this case informally.

In light of these circumstances, the Court should extend the discovery deadline by 60 days so that (1) the parties could schedule a mutually agreeable date to depose Mr. Morgan and by a mutually agreeable method given Mr. Morgan's health and financial situations; and (2) the parties could engage in some informal discussions to find a resolution of this case short of any further litigation.

Dated: September 11, 2006.

Respectfully Submitted,

/s/ Kenneth L. Wainstein
KENNETH L. WAINSTEIN, D.C. BAR #451058
United States Attorney

/s/ Rudolph Contreras
RUDOLPH CONTRERAS, D.C. BAR #434122
Assistant United States Attorney

/s/ John C. Truong

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Attorneys for Defendant

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**[PROPOSED] ORDER GRANTING DEFENDANT'S CONSENT MOTION FOR AN
EXTENSION OF THE DISCOVERY DEADLINE**

Upon consideration of Defendant's Consent Motion for an Extension of the Discovery
Deadline and the entire record herein, it is this _____ day of _____, 200_,

ORDERED that Defendant's Consent Motion for an Extension of the Discovery Deadline
be and is hereby GRANTED; and it is

FURTHER ORDERED that the parties shall have up to and including November 11,
2006, to complete discovery.

SO ORDERED.

U.S. District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on September 11, 2006, service of the foregoing
Defendant's Motion for Extension of the Discovery Deadline was made via the Court's
Electronic Case Filing System and by first class, postage prepaid mail to *pro se* plaintiff and his
counsel addressed as follows:

Juan Morgan
Pro se Plaintiff
PSC 2, Box 2814
APO AA 34002

John F. McHugh, Esq.
6 Water Street
New York City, NY 10004

_____/s/
JOHN C. TRUONG
Assistant United States Attorney